

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte REYNOLD B. JOHNSON,  
KENNETH A. FESLER  
and  
EUGENE W. WEBER

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Appeal No. 95-3270  
Application 08/080,689<sup>1</sup>

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ON BRIEF

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Before COHEN, STAAB and BARRETT, Administrative Patent Judges.  
COHEN, Administrative Patent Judge.

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<sup>1</sup> Application for patent filed June 22, 1993. According to appellants, the application is a continuation of Application 07/669,066, filed March 12, 1991, abandoned.

Appeal No. 95-3270  
Application 08/080,689

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 11, 13 through 16, 18, 21, 22, 24, 25, 27 through 30, 37 through 46, 48 through 51, 53, 54, 56, 57, 59, and 62. Claims 12, 17, 23, 26, 31 through 36, 47, 52, 55, 58, 60, and 61, the only other claims remaining in the application, are indicated by the examiner as being allowed (Paper No. 24).

Appellants' invention pertains to a typewriter, a self-contained portable typewriting unit, and a typewriting method. An understanding of the invention can be derived from a reading of exemplary claims 1, 18, and 37, copies of which appear below.

1. In a typewriter: a keyboard panel having a plurality of characters printed thereon in optically readable form, a mouse movable about the keyboard panel and having means for visually aligning the mouse with a selected one of the printed characters, means for holding the mouse in a fixed position relative to the character with which it has been aligned, means coupled to the mouse for optically scanning the printed character with which the mouse is aligned and providing electrical signals which describe the scanned character as a bit map, a printer which produces visual images on an output medium by selective actuation of elements arranged in a matrix, and means responsive to the electrical signals for actuating the elements in the matrix in accordance with the bit map to form an image of the selected character.

Appeal No. 95-3270  
Application 08/080,689

18. In a self-contained portable typewriting unit: a case, a keyboard panel mounted on the case and having a plurality of characters printed thereon in optically readable form, a mouse movable about the keyboard panel and having means for visually aligning the mouse with a selected one of the characters, means

for holding the mouse in a fixed position relative to the character with which it has been aligned, means coupled to the mouse for optically scanning the selected character and providing electrical signals which describe the character as a bit map, a printer mounted in the case and forming an integral part of the unit for producing visual images on an output medium by selective actuation of elements arranged in a matrix, and means responsive to the electrical signals for actuating the elements in the matrix in accordance with the bit map to form an image of the character with which the mouse is aligned.

37. In a typewriting method utilizing a keyboard panel having a plurality of characters printed thereon in optically readable form, the steps of: visually positioning a mouse in alignment with a selected one of the printed characters, temporarily locking the mouse in a fixed position relative to the selected character, optically scanning the printed character with which the mouse is aligned and providing electrical signals which describe the scanned character as a bit map, and actuating a matrix printer in accordance with the bit map to form an image of the character with which the mouse is aligned.

As evidence of obviousness, the examiner has applied the documents listed below:

|                          |           |               |
|--------------------------|-----------|---------------|
| Toyoda                   | 4,626,925 | Dec. 2, 1986  |
| Johnson                  | 4,722,621 | Feb. 2, 1988  |
| Bennett et al. (Bennett) | 5,051,736 | Sep. 24, 1991 |

The following rejections are before us for review.

Appeal No. 95-3270  
Application 08/080,689

Claims 1 through 5, 11, 13, 16, 18, 21, 22, 24, 25, 27 through 29, 37 through 40, 46, 48, 51, 53, 54, 56, 57, and 62 stand rejected under 35 U.S.C. § 103 as being unpatentable over Johnson in view of Toyoda.

Claims 6 through 10, 14, 15, 30, 41 through 45, 49, 50, and 59 stand rejected under 35 U.S.C. § 103 as being unpatentable over Johnson in view of Toyoda, as applied to claims 1, 13, 18, 21, 37, 48 and 53 above, further in view of Bennett.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 26), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 25 and 27).<sup>2</sup>

#### OPINION

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<sup>2</sup> In Paper No. 30, the examiner indicated that the reply brief dated March 2, 1995 was entered. However, it is not clear if the examiner also intended to indicate entry of the "EVIDENCE OF NONOBVIOUSNESS" also filed on March 2, 1995. Since we have reversed the rejections of appellants' claims, *infra*, the content of this latter submission would not be of consequence in this appeal.

Appeal No. 95-3270  
Application 08/080,689

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied patents, and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determination which follows.

We reverse the respective rejections of appellants' claims under 35 U.S.C. § 103.

For the more specific reasons delineated, *infra*, our assessment of independent claims 1, 13, 18, 21, 30, 37, 48, 53, 59, and 62, in particular, and the applied prior art, reveals to us that the subject matter of these claims would not have been suggested to one having ordinary skill in the art on the basis of the evidence of obviousness before us.

Each of the examiner's rejections is founded upon the basic combination of the Johnson and Toyoda patents.

The applied patent to Johnson, also cited in appellants' specification (page 2), addresses a keyboard assembly (typewriter) wherein a character selection mechanism 28

(Figure 1) is used to select a particular character and thereby establish which daisy wheel printing unit 27 and print element 84 will be activated to print the selected character. As an alternative, the patentee (column 10, lines 50 through 53, and column 11, lines 33 through 40) contemplates generating a digital address for retrieving a prerecorded storage character to be printed.

The Toyoda patent teaches a photoelectric reader which enables one to record only a selected portion of an original, such as a portion of a page document. This is accomplished by a reader part R moving on an original 8 to read or scan selected image data and transform same into electric signals, which signals are used for effecting the recording of the images on paper 7 in a printer part P (Figure 1).

While, as evidenced by the Toyoda teaching, photoelectric readers are certainly known, it is readily apparent to us that one having ordinary skill in the art, absent appellants' own explicit teaching, would not have been motivated, from a combined consideration of the respective teachings of Johnson and Toyoda alone, to alter the teaching of Johnson as

Appeal No. 95-3270  
Application 08/080,689

proposed. In the present case, we believe it is fair to say that inappropriate reliance upon appellants' own teaching and impermissible hindsight would have been the only basis for bringing the teachings of the Johnson and Toyoda references together to effect the claimed invention. As to the disclosure of the Bennett patent, we find that it simply does not overcome the deficiency noted above relative to the teachings of Johnson and Toyoda.

In summary, this panel of the board has:

reversed the rejection of claims 1 through 5, 11, 13, 16, 18, 21, 22, 24, 25, 27 through 29, 37 through 40, 46, 48, 51, 53, 54, 56, 57, and 62 under 35 U.S.C. § 103 as being unpatentable over Johnson in view of Toyoda; and

reversed the rejection of claims 6 through 10, 14, 15, 30, 41 through 45, 49, 50, and 59 under 35 U.S.C. § 103 as being unpatentable over Johnson in view of Toyoda and Bennett.

Appeal No. 95-3270  
Application 08/080,689

The decision of the examiner is reversed.

REVERSED

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| IRWIN CHARLES COHEN         | ) |                 |
| Administrative Patent Judge | ) |                 |
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|                             | ) | BOARD OF PATENT |
| LAWRENCE J. STAAB           | ) | APPEALS AND     |
| Administrative Patent Judge | ) | INTERFERENCES   |
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| LEE E. BARRETT              | ) |                 |
| Administrative Patent Judge | ) |                 |



Appeal No. 95-3270  
Application 08/080,689

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